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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,583	10/23/2000	Mathieu Vandebossche	1200-370	2518

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EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/583,583

Applicant(s)

VANDEBOSSCHE, MATHIEU

Examiner

Guillermo Perez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because line 6 repeats the word "the"; and line 8 has a typographical error after "faces" that needs to be corrected.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 3 and 5 depend on a cancelled claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4, 6-7, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacob et al. (U. S. Pat. 5,675,205).

Referring to claim 1, Jacob et al. disclose a brush holder for a vehicle alternator, comprising:

an insulating support (15) having an opening;

a heat dissipating means having (9,14) a metallic seat (14) fixed to the support

(15); and

an electrical circuit (11, 23) comprising:

a semiconductor control component (11), in which the seat (14) on the one hand receives for fixing on one of its faces the control component (11) by means of an

opening (22) in the support (15) and on the other hand belongs to heat dissipation means (9,14) in contact with an ambient environment and arranged so as to receive heat from the control component (11), wherein the seat (14) is mounted within a thickness (15a) of the support (15) and the seat (14) receives on the other one of its faces a heat dissipator (9 and column 5, lines 1-4) so that the heat dissipation means (9,14) is composed of two distinct and adjacent parts.

Referring to claim 6, Jacob et al. disclose that the dissipator (9) is attached to the support (15).

Referring to claim 7, Jacob et al. disclose that the dissipator (9) is fixed to the support (15) by screws (8).

Referring to claim 9, Jacob et al. disclose that the seat (14) and the dissipator (9) are in direct contact (figure 2).

Referring to claim 11, Jacob et al. disclose that the dissipator (9) is metallic (column 2, lines 61-64).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacob et al. in view of Jaeschke (U. S. Pat. 4,469,968).

Jacob et al. disclose a brush holder as described on item 1 above. However, Jacob et al. do not disclose that the dissipator has a coefficient of expansion greater than that of the seat. Jacob et al. do not disclose that the support is molded onto the dissipator. Jacob et al. do not disclose that at least one from amongst the seat and dissipator has projecting reliefs able to enter the material of the other one from amongst a base and dissipator when they are placed in the operating position of the brush holder.

Jaeschke discloses that the dissipator (71) has a coefficient of expansion greater than that of the seat (25 and column 5, lines 17-22). Jaeschke discloses that at least one from amongst the seat (25) and dissipator (71) has projecting reliefs (77) able to enter the material of the other one from amongst a base and dissipator (71) when they are placed in the operating position of the brush holder. Jaeschke's invention has the purpose of providing an efficient heat conductive path for the heat from one area to another of the embodiment.

It would have been obvious at the time the invention was made to modify the brush holder of Jacob et al. and provide it with the coefficient of expansion differences and the projecting reliefs disclosed by Jaeschke for the purpose of providing an efficient heat conductive path for the heat from one area to another of the embodiment.

Referring to claims 4-5, no patentable weight has been given to the method of manufacturing limitations (i. e. molded on) since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious

from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacob et al. in view of Kato (U. S. Pat. 5,536,972).

Jacob et al. disclose a brush holder as described on item 1 above. However, Jacob et al. do not disclose that it comprises a heat-conducting layer interposed between the seat and the dissipator.

Kato discloses that it comprises a heat-conducting layer (30d) interposed between the seat (30) and the dissipator (10). Kato's invention has the purpose of ensuring good heat conductivity between the aluminum plate and the heat radiating container.

It would have been obvious at the time the invention was made to modify the brush holder of Jacob et al. and provide it with the heat-conducting layer disclosed by Kato for the purpose of ensuring good heat conductivity between the aluminum plate and the heat radiating container.

4. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacob et al. in view of Nakata et al. (U. S. Pat. 4,990,811).

Jacob et al. disclose a brush holder as described on item 1 above. However, Jacob et al. do not disclose that a thermally insulating element is interposed between the or each screw and the dissipator.

Nakata et al. disclose that a thermally insulating element (36) is interposed between the or each screw (34) and the dissipator (18). The invention of Nakata et al. has the purpose of securing an insulator plate to a bracket through fixing legs.

It would have been obvious at the time the invention was made to modify the brush holder of Jacob et al. and provide it with the thermally insulating element disclosed by Nakata et al. for the purpose of securing an insulator plate to a bracket through fixing legs.

### ***Response to Arguments***

Applicant's arguments filed June 10, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the metallic seat not making contact with the housing, and not being part of the housing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's remark that Jacob et al. do not disclose that the seat is mounted within a thickness of the support, it must be noted that Jacob et al. disclose the claimed seat configuration in figure 5. Figure 5 shows an extension of the support labeled as 15a enclosing the seat 14. Jacob et al. disclose the claimed invention.

In response to Applicant's remark that Jaesche does not disclose the semiconductor control component mounted on the seat, it must be noted that Jacob et al. disclose that limitation.

In response to Applicant's remark that Nakata is not an alternator but a motor, it must be noted that Jacob et al. disclose that the embodiment is used in an alternator (an AC generator).

In response to Applicant's remark that Nakata that the spacers are not between the screw and the dissipator, it must be noted that Nakata shows in figures 2 and 4 that the spacers occupy a space between the screw and the dissipator 18.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.



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Guillermo Perez  
August 26, 2002